

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ARGHAVAN LOUHGHALAM and  
MAZDAK POURABDOLLAH TOOTKABONI  
*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM, BABAK  
YAGHOUBI MOGHADAM, ALI SANIE,  
ZAHRASADAT MIRRAZI RENANI, LEILY  
AMIRSARDARY, and OXFAM AMERICA, INC.  
*Plaintiffs,*

and

COMMONWEALTH OF MASSACHUSETTS and  
UNIVERSITY OF MASSACHUSETTS,  
*Plaintiff-Intervenors,*

v.

DONALD TRUMP, President of the United States;  
U.S. DEPARTMENT OF HOMELAND SECURITY  
("DHS"); U.S. CUSTOMS AND BORDER  
PROTECTION ("CBP"); JOHN KELLY, Secretary of  
DHS; KEVIN K. MCALEENAN, Acting  
Commissioner of CBP; and WILLIAM MOHALLEY,  
Boston Field Director, CBP,  
*Defendants.*

Case No. 17-cv-10154-NMG

**DECLARATION OF  
SETH KALVERT**

Pursuant to 28 U.S.C. § 1746(2), I, Seth Kalvert, hereby declare as follows:

1. I am the Senior Vice President, General Counsel, and Secretary of non-party TripAdvisor LLC ("TripAdvisor" or the "Company"). TripAdvisor is a Delaware limited liability company, with headquarters located at 400 First Avenue, Needham, MA 02494, where I work. The information contained herein is based on my personal knowledge or the knowledge of my coworkers who provided this information at my direction, and, if called as a witness, I could testify competently thereto.

2. TripAdvisor, by and through its subsidiaries, operates the world's largest travel website, located at [www.tripadvisor.com](http://www.tripadvisor.com) and other country-specific domains featuring localized versions of the site, enabling travelers to plan and book their travel. The TripAdvisor branded websites, which reach an average of 390 million monthly unique visitors, host reviews of hotels, restaurants and attractions in all 50 states, as well as throughout the world. TripAdvisor offers advice from millions of travelers, including more than 435 million reviews and opinions covering 6.8 million accommodations, restaurants and attractions. TripAdvisor is a global company headquartered here in Massachusetts.

3. On January 27, 2017, TripAdvisor was made aware that President Trump had issued an executive order entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States," (the "Executive Order") which, among other actions, prevents travelers from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen (the "Affected Countries") from entering the United States.

4. It is TripAdvisor's view that the Executive Order could have a negative impact on the Company's business and work force, as well as on the overall tourism industry.

**The Impact of the Executive Order on TripAdvisor's Business**

5. Although it is a Massachusetts-based company, TripAdvisor's user base is spread throughout the world, with the majority of its visitors coming from international IP addresses. The Company's value proposition is based on providing all travelers with the best available research and booking options for their travels – both domestic and international. Accordingly, any restriction on people's ability to travel is likely to have a negative effect on TripAdvisor's business.

6. TripAdvisor derives value from the user-generated content hosted and displayed on its websites. To date, more than 28,000 people living in the Affected Countries have registered as members of the TripAdvisor community. Further, TripAdvisor is currently hosting approximately 70,000 traveler reviews submitted by users from the Affected Countries. Members from the Affected Countries use TripAdvisor both for planning travel, both within and without the United States. Preventing travelers from the Affected Countries from visiting the United States would have a detrimental effect on the breadth and completeness of the information that TripAdvisor makes available to all travelers.

7. In 2016, TripAdvisor hosted approximately 14.4 million internet sessions from users within the Affected Countries. Further, to highlight the impact on both TripAdvisor and the U.S. tourism business at-large, using one randomly-selected week from the past 12 months as an example, approximately 5,700 people from within the Affected Countries used TripAdvisor to research hotels located within the United States. The Executive Order would likely reduce these types of user searches, resulting in harm to TripAdvisor and the broader U.S. tourism economy.

8. The uncertainty surrounding the Executive Order creates unforeseen, and currently unquantifiable, difficulties for the operation of TripAdvisor's business. TripAdvisor has incurred – and will continue to incur – increased business costs to research and understand which of its customers may be impacted by the Executive Order and how the business should adjust or respond to such changes, in order to best provide the most relevant and useful services to its users around the globe.

**The Impact of the Executive Order on TripAdvisor's Employees**

9. The Executive Order is already having negative effects on our employees' ability to travel as needed for professional (or personal) reasons, as well as the ability of TripAdvisor to attract and recruit new employee talent.

10. TripAdvisor employs approximately 3,300 people in 24 countries around the globe, more than 1,100 of whom work in the Commonwealth of Massachusetts.

11. Based on an initial review, TripAdvisor has at least four employees who work in Massachusetts and who, under the terms of the Executive Order, would be at risk for not being readmitted to the United States if they were to leave for any reason. These employees work in the Company's search engine marketing, product engineering, engineering operations and content integrity departments. They have been employed by the Company for an average of more than two years, and are legally within the United States based on a combination of green cards, H-1B visas, F1 visas and L1 visas. Because of the Executive Order, these employees are unable to travel as needed for TripAdvisor matters, resulting in business costs and disruptions.

12. TripAdvisor also has an employee from one of the Affected Countries who works in Canada and is now unable to travel to the Company's Massachusetts headquarters due to the Executive Order. This employee had recently secured a B1 visa to travel to headquarters for an important strategic weeklong series of meetings and events, but was suddenly forced to cancel those travel plans this week. As such, the Company must now try to plan and execute its strategy without the benefit of having this important employee present.

13. TripAdvisor is providing legal counsel and immigration advice and services to all affected employees. The Company's Human Resources Department is providing some of those

services, while others are being provided by external vendors. Providing such employee assistance programs and services comes at a cost, both in terms of time and money.

14. In addition to the costs and burdens placed on current employees, TripAdvisor has already found that its ability to recruit talent from around the globe as needed is suffering due to the Executive Order. Although the Executive Order is less than a week old, TripAdvisor already had two promising candidates cancel interviews due to concerns about their rights and ability to work in or travel to the United States. Specifically, two people interviewing for jobs within TripAdvisor's machine-learning department withdrew themselves from consideration this week, each citing the travel ban as their reason for doing so. Further, we note that the majority of our new data scientists and machine-learning employees are either students on visas or recent graduates on visas. Therefore, the recruiting department expects to encounter additional cancellations and obstacles as we progress through the interview process for these two critical business functions.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 2, 2017.



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Seth Kalvert